IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.8191 of 2006

Dated: June 26, 2006

Between:

U. Prabha Kumar, S/o. Sri U. Madhavan Kutty,
aged 45 years, R/o. Flat No.5, II Floor,
Deepthi Towers, Panduranga Nagar, Erragadda,
Hyderabad.

… Petitioner

And

The Government of Andhra Pradesh, rep. by its
Commissioner of Intermediate Education, Nampally,
Hyderabad, and another.

… Respondents

Order:

The petitioner, working as Office Assistant in the second respondent college, has filed this writ petition questioning the proceedings dated 23-03-2006, issued by the second respondent, terminating his services on the ground of insufficient workload.

2. The petitioner, who was initially appointed as Record Assistant in 1982 in the second respondent college, has been working as Office

Assistant, after his services were converted to that of Typist/Office Assistant. It is his case that he was issued an order dated 23-03-2006 by the second respondent, terminating his services on the ground that there is insufficient workload. The grievance of the petitioner is that no approval has been obtained by the competent authority as required under Section 83 of the A.P. Education Act, 1982 ('the Act' for brevity) before passing the impugned order. Challenging the said order of termination, the petitioner preferred an appeal before the first respondent on 30-03-2006 and has also come up with the present writ petition.

3. Counter affidavit has been filed on behalf of the second respondent college stating that the services of the petitioner were terminated due to insufficient workload. It is stated that the petitioner was put in notice about his termination and an opportunity was also given to him to join in the high school service. But, the petitioner did not opt to join in the high school service. It is further stated that the petitioner, having preferred and appeal before the first respondent, approached this Court.

4. The order of termination was passed on 23-03-2006. Thereafter, the petitioner carried the matter in appeal before the first respondent on 30-03-2006. As much as the petitioner has already preferred an appeal before the first respondent and the same is pending consideration, there is no special reason to entertain this writ petition and decide the claim of the petitioner on merits, more so when it is well settled that two parallel proceedings cannot be initiated at the same time.

5. In that view of the matter, I dispose of the writ petition directing

the first respondent, the Commissioner of Intermediate Education, to consider the appeal of the petitioner dated 30-03-2006, filed against the order of termination dated 23-03-2006, and pass appropriate orders within four weeks from today, after giving notice to the petitioner and the second respondent.

6. Subject to the above observations, the writ petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

June 26, 2006
MRR